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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 10/06/2008  
SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

|                  |              |
|------------------|--------------|
| EXAMINER         |              |
| CHANDLER, SARA M |              |
| ART UNIT         | PAPER NUMBER |

3693  
DATE MAILED: 10/06/2008

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

|            |            |               |        |      |
|------------|------------|---------------|--------|------|
| 09/987,667 | 11/15/2001 | Naruto Entani | Q67321 | 7510 |
|------------|------------|---------------|--------|------|

TITLE OF INVENTION: MEDIATION SERVICE METHOD FOR COLLECTING AND SELLING PIECES OF SELLING PRICE INFORMATION THAT MATCHES A REQUEST

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 01/06/2009 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
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**INSTRUCTIONS:** This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

|                    |
|--------------------|
| (Depositor's name) |
| (Signature)        |
| (Date)             |

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09/987,667 11/15/2001 Naruto Entani Q67321 7510

**TITLE OF INVENTION: MEDIATION SERVICE METHOD FOR COLLECTING AND SELLING PIECES OF SELLING PRICE INFORMATION THAT MATCHES A REQUEST**

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| nonprovisional | NO           | \$1510        | \$300               | \$0                  | \$1810           | 01/06/2009 |

| EXAMINER         | ART UNIT | CLASS-SUBCLASS |
|------------------|----------|----------------|
| CHANDLER, SARA M | 3693     | 705-037000     |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims **SMALL ENTITY** status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming **SMALL ENTITY** status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

CHANDLER, SARA M

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 10/06/2008

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1353 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1353 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

09/987,667

**Applicant(s)**

ENTANI, NARUTO

**Examiner**

SARA CHANDLER

**Art Unit**

3693

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/7/08.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's appeal brief for 09/987,667 (11/15/01) filed on 08/07/08.

### ***Status of the Claims***

Claims 1 and 2 are currently amended. Claims 3-17 were previously presented. Thus, claims 1-17 are currently pending.

### ***Allowable Subject Matter***

**Claims 1-17** are allowed, subject to an examiner's amendment described below.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dion R. Ferguson, Reg. No. 59,561 on Monday, September 22, 2008.

## **EXAMINER'S AMENDMENT**

The application has been amended as follows: Please amend claims 1 and 2.

1. (currently amended) A selling price information mediation service method for mediating and supplying selling price information, which includes

selling prices of a commodity in respective stores and information about the respective stores, over a network, the method comprising:

receiving, at a server, from an information requester terminal, an information request that requests selling price information about a commodity, and communicating the information request directly to a plurality of information provider terminals;

collecting selling price information at the server which matches the information request from at least one of said plurality of information provider terminals in response to the information request, and generating collected selling price information that matches the information request;

supplying the collected selling price information from the server to said information requester terminal, and charging said information requester terminal a prescribed information supply fee and mediation commission; and

providing payment of a prescribed informer fee from the server to the at least one of said plurality of information provider terminals that provided the pieces of selling price information that match the information request.

2. (currently amended): A selling price information mediation service method according to claim 1, wherein a selling price information mediating service employs a membership system, and said method further comprises:

registering, at the server, an information requester at said information requester terminal after receiving registration information from said information requester and registering information providers at said information provider

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terminals as members after receiving registration information from said information providers; and

identifying an information requester or an information provider who has caused a problem by distributing erroneous information, upon occurrence of the problem.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The closest prior art of record is Grdina, US Pat. No. 6,965,872. Although Grdina is similar to the instant application in some respects there are clear patentable distinctions.

Grdina teaches systems and methods for facilitating the sale of commodity-like goods/services. The invention disclosed in Grdina is performed and implemented in a network that is accessible by communication devices (e.g., computer, wireless communication device etc.). In Grdina, a database of information (e.g., brand name of products, location of retailers, price of products, related goods/services/promotions etc.) may be queried by consumers and retailers using search criteria. A retailer may obtain information about retailers with whom they compete. A consumer may obtain information about retailers of commodity-like goods/services that meet the consumer's requirements, and pricing may be guaranteed by the retailer.

The claimed invention is drawn to a method/system/management server for mediating and providing selling price information. As part of the claimed invention, requests for selling price information are received from information

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requester terminals and communicated to information provider terminals. Selling price information that is collected from the information provider terminals and matches the information request, is supplied to the information requester terminals. Fees are charged to the information requestor terminal and paid to the information provider terminals for the services rendered.

As stated in applicant's appeal brief filed (08/07/08), the claimed invention is distinct from the prior art because:

Claim 1 requires that the information request *received from* the information requester terminal is *communicated directly* to a plurality of information provider terminals. As noted on page 12 of the Amendment filed December 5, 2007, and further emphasized herein, Grdina, on the other hand, indicates that retailers may upload prices for goods/services to a database and further allows a retailer to collect and sort data regarding competitors. However, any information request submitted by a consumer merely searches the database and returns results. The actual received information request is not forwarded to retailers by the database. Therefore, Grdina cannot disclose "communicating the information request directly to a plurality of information provider terminals" as recited in claim 1, and as alleged by the Examiner. (Appeal Brief, pg. 12, 08/07/08)

Claim 1 is allowed because the closest prior art of record, Grdina, alone or in combination fails to teach, suggest or otherwise render obvious all the limitations required of a selling price information mediation service method for mediating and supplying selling price information, which includes selling prices of a commodity in respective stores and information about the respective stores, over a network, the method comprising:

*receiving, at a server, from an information requester terminal, an information request that requests selling price information about a commodity, and*



*communicating the information request directly to a plurality of information provider terminals;*

*collecting selling price information at the server which matches the information request from at least one of said plurality of information provider terminals in response to the information request, and generating collected selling price information that matches the information request;*

*supplying the collected selling price information from the server to said information requester terminal, and charging said information requester terminal a prescribed information supply fee and mediation commission; and*

*providing payment of a prescribed informer fee from the server to the at least one of said plurality of information provider terminals that provided the pieces of selling price information that match the information request.*

Independent claims 8 and 15 are allowed based on the same rationale. Dependent claims are allowed based on the same rationale as the claims from which they depend.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent literature:

("5794207"|"6282517"|"6574608"|"6961712").PN.

The following non-patent literature:

1. "The Comparison Shopping Game" Response, v9, n6, pg. 34+. (March 2000). (via Dialog)
2. "The best ways to buy stuff online: Shopping," by Geary, Leslie Haggin; Bennett, Andrea. Money, v29, n11, pp: 104-108 2000 (via Dialog)
3. "Shoppers Get New Powers on Web Sites," by Deborah Kong. Knight-Ridder Tribune Business News, August 09, 1999. (via Dialog)
4. "Jupiter Forum – Shopping Bots Appear Unstoppable," by Kevin Featherly. Newsbytes. May 22, 2000. (via Dialog)
5. "Comparison Shopping Made Easy." PR Newswire. October 26, 1998.
6. "ClickTheButton.com, Inc. Announces Free Internet Service Enabling Single Click Price Comparisons While Browsing Book Titles at Amazon.com, Barnesandnoble.com and Booksamillion.com." Business Wire. Friday, March 26, 1999. (via Dialog)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARA CHANDLER whose telephone number is (571)272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC  
/JAGDISH N PATEL/  
Primary Examiner, Art Unit 3693